

AMENDED IN SENATE APRIL 17, 2001

AMENDED IN SENATE MARCH 26, 2001

SENATE BILL

No. 111

Introduced by Senator Alpert

January 23, 2001

An act to amend Sections 2069 and 2070 of the Business and Professions Code, relating to medical assistants.

LEGISLATIVE COUNSEL'S DIGEST

SB 111, as amended, Alpert. Medical assistants.

Existing law authorizes a medical assistant to perform specified services relating to administration of medication, performance of skin tests and simple routine medical tasks and procedures, and performance of venipuncture or skin puncture for withdrawing blood, upon specific authorization from and under the supervision of a licensed physician and surgeon, podiatrist, or a physician and surgeon or podiatrist group or corporation. Pursuant to existing law, the specific authorization is required to come from a supervising physician and surgeon or podiatrist, and supervision by a licensed physician and surgeon or podiatrist is required to be within the scope of his or her practice.

This bill would also authorize a medical assistant to perform the above services in specified clinics for a physician assistant, nurse practitioner, or nurse-midwife. In those cases, the bill would provide that specific authorization for the services would be given by a physician assistant, nurse practitioner, or nurse-midwife, and supervision over the services would be performed by a physician assistant, nurse practitioner, or nurse-midwife. The bill would authorize a physician and surgeon in these specified clinics to provide written

instructions for medical assistants, regarding the performance of tasks or duties, which may allow a nurse practitioner, nurse-midwife, or physician assistant to assign a task authorized by a physician and surgeon and may allow the task to be performed when the supervising physician and surgeon is not onsite, so long as certain conditions are met. ~~The bill would provide that a physician and surgeon is not be subject to criminal, civil, or administrative sanctions for the actions of a medical assistant functioning under the supervision of a nurse practitioner, nurse-midwife, or physician assistant pursuant to the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The California Legislature finds and declares all
2 of the following:

3 (a) Every year, nonprofit licensed community clinics provide
4 primary health care services, including more than 1.7 million
5 uncompensated visits, to medically underserved populations.
6 Currently, there are 7.3 million uninsured Californians,
7 necessitating expanded access to quality health care through
8 community clinics. The Legislature intends, therefore, to
9 eliminate unnecessary barriers to the utilization of qualified,
10 competent medical assistants who provide care in community
11 clinics.

12 (b) Medical assistants are entry-level health care personnel
13 who are authorized under the law to provide care in community
14 clinics, and can only perform medical tasks within their scope of
15 practice, as established by the Medical Board of California. These
16 health care workers are often recruited from within the local
17 community because of their linguistic and cultural sensitivity,
18 which are essential to caring, competent, quality health care.
19 Nothing in this bill is intended to expand the scope of practice of
20 medical assistants, including the performance of any clinical
21 laboratory test or examination for which they are not authorized
22 under the appropriate state or federal laboratory law.

23 (c) Nurse practitioners, nurse-midwives, and physician
24 assistants are authorized under the law to train, supervise, and
25 assign tasks to medical assistants, so long as the tasks are within
26 the scope of practice of the medical assistant. However, medical



1 assistants are authorized to perform services only when a
2 physician is physically present at the office or clinic. The sole
3 purpose of this bill is to provide nurse practitioners,
4 nurse-midwives, and physician assistants with the legal authority
5 to supervise the work of medical assistants when the physician is
6 not at the clinic site. Nothing in this bill is intended to increase the
7 scope of practice of any nurse practitioner, nurse-midwife, or
8 physician assistant to include the authority to direct a clinical
9 laboratory licensed under state or federal laboratory law.

10 SEC. 2. Section 2069 of the Business and Professions Code
11 is amended to read:

12 2069. (a) (1) Notwithstanding any other provision of law, a
13 medical assistant may administer medication only by intradermal,
14 subcutaneous, or intramuscular injections and perform skin tests
15 and additional technical supportive services upon the specific
16 authorization and supervision of a licensed physician and surgeon
17 or a licensed podiatrist, ~~and a~~. A medical assistant may also
18 perform all these tasks and services in a clinic licensed pursuant to
19 subdivision (a) of Section 1204 of the Health and Safety Code
20 upon the specific authorization of a physician assistant, a nurse
21 practitioner, or a nurse-midwife *if prior thereto the medical*
22 *assistant has had at least the minimum amount of hours of*
23 *appropriate training pursuant to standards established by the*
24 *Division of Licensing. The medical assistant shall be issued a*
25 *certificate by the training institution or instructor indicating*
26 *satisfactory completion of the required training. A copy of the*
27 *certificate shall be retained as a record by each employer of the*
28 *medical assistant.*

29 (2) The supervising physician and surgeon at a clinic described
30 in paragraph (1) may, at his or her discretion, in consultation with
31 the nurse practitioner, nurse-midwife, or physician assistant
32 provide written instructions to be followed by a medical assistant
33 in the performance of tasks or supportive services. These written
34 instructions may allow a nurse practitioner, nurse-midwife, or
35 physician assistant to assign a task authorized by a physician and
36 surgeon, and may allow the task to be performed when the
37 supervising physician and surgeon is not onsite, so long as the
38 following apply:

39 (A) The nurse practitioner or nurse-midwife is functioning
40 pursuant to standardized procedures, as defined by Section 2725,

1 or protocol. The standardized procedures or protocol shall be
2 developed and approved by the supervising physician and
3 surgeon, the nurse practitioner or nurse-midwife, and the facility
4 administrator or his or her designee.

5 (B) The physician assistant is functioning pursuant to regulated
6 services defined in Section 3502 and is approved to do so by the
7 supervising physician or surgeon.

8 (b) As used in this section and Sections 2070 and 2071, the
9 following definitions shall apply:

10 (1) “Medical assistant” means a person who may be
11 unlicensed, who performs basic administrative, clerical, and
12 technical supportive services in compliance with this section and
13 Section 2070 for a licensed physician and surgeon or a licensed
14 podiatrist, or group thereof, for a medical or podiatry corporation;
15 for a physician assistant, a nurse practitioner, or a nurse-midwife
16 as provided in subdivision (a), or for a health care service plan,
17 who is at least 18 years of age, and who has had at least the
18 minimum amount of hours of appropriate training pursuant to
19 standards established by the Division of Licensing. The medical
20 assistant shall be issued a certificate by the training institution or
21 instructor indicating satisfactory completion of the required
22 training. A copy of the certificate shall be retained as a record by
23 each employer of the medical assistant.

24 (2) “Specific authorization” means a specific written order
25 prepared by the supervising physician and surgeon or the
26 supervising podiatrist, or the physician assistant, the nurse
27 practitioner, or the nurse-midwife as provided in subdivision (a)
28 authorizing the procedures to be performed on a patient, which
29 shall be placed in the patient’s medical record; or a standing order
30 prepared by the supervising physician and surgeon or the
31 supervising podiatrist authorizing the procedures to be performed,
32 the duration of which shall be consistent with accepted medical
33 practice. A notation of the standing order shall be placed on the
34 patient’s medical record.

35 (3) “Supervision” means the supervision of procedures
36 authorized by this section by the following practitioners, within
37 the scope of their respective practices, who shall be physically
38 present in the treatment facility during the performance of those
39 procedures:

40 (A) A licensed physician and surgeon.

1 (B) A licensed podiatrist.

2 (C) A physician assistant, nurse practitioner, or nurse-midwife
3 as provided in subdivision (a).

4 (4) “Technical supportive services” means simple routine
5 medical tasks and procedures that may be safely performed by a
6 medical assistant who has limited training and who functions
7 under the supervision of a licensed physician and surgeon or a
8 licensed podiatrist; or a physician assistant, a nurse practitioner, or
9 a nurse-midwife as provided in subdivision (a).

10 (c) Nothing in this section shall be construed as authorizing the
11 licensure of medical assistants. Nothing in this section shall be
12 construed as authorizing the administration of local anesthetic
13 agents by a medical assistant. Nothing in this section shall be
14 construed as authorizing the division to adopt any regulations that
15 violate the prohibitions on diagnosis or treatment in Section 2052.

16 (d) Notwithstanding any other provision of law, a medical
17 assistant may not be employed for inpatient care in a licensed
18 general acute care hospital as defined in subdivision (a) of Section
19 1250 of the Health and Safety Code.

20 ~~(e) No licensed physician and surgeon shall be subject to~~
21 ~~criminal, civil, or administrative sanction arising out of action~~
22 ~~taken by a medical assistant who functions under the supervision~~
23 ~~of a nurse practitioner, nurse midwife, or physician assistant~~
24 ~~pursuant to the provisions of this section.~~

25 ~~SEC. 2.~~

26 *SEC. 3.* Section 2070 of the Business and Professions Code is
27 amended to read:

28 2070. Notwithstanding any other provision of law, a medical
29 assistant may perform venipuncture or skin puncture for the
30 purposes of withdrawing blood upon specific authorization and
31 under the supervision of a licensed physician and surgeon or a
32 licensed podiatrist; or a physician assistant, a nurse practitioner,
33 or a nurse-midwife as provided in subdivision (a) of Section 2069;
34 ~~if prior thereto the medical assistant has had at least the minimum~~
35 ~~amount of hours of appropriate training pursuant to standards~~
36 ~~established by the Division of Licensing. The medical assistant~~
37 ~~shall be issued a certificate by the training institution or instructor~~
38 ~~indicating satisfactory completion of the training required. A copy~~

- 1 ~~of the certificate shall be retained as a record by each employer of~~
- 2 ~~the medical assistant.~~

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